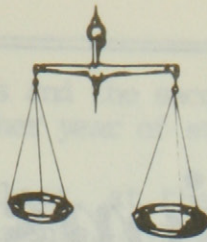


Quid Novi



VOL. II NO. 26

McGill University Faculty of Law

APRIL 8, 1982

L.I.R.G. Director explains selection

BY LESLEY CAMERON
AND MARTINE TURCOTTE

The McGill Legal Information Research Group (LIRG) is a summer employment project sponsored by the Federal Department of Justice. LIRG has operated out of this Faculty for the past four summers. The Director of the McGill Group recently requested applications for positions and conducted interviews with selected applicants. Many applicants, both successful and unsuccessful, expressed concern about

the selection process. Quid Novi recently interviewed the Director about the Group's affiliation with McGill Faculty of Law and about the selection process in an attempt to clarify some of the issues. (The Director requested that her name not be published in this article.)

The Group exists in name during the school year and is allocated funds by the Dean. During the summer, the Group uses Faculty facilities including office space, but the Director of LIRG insisted that

the Group's grant from the Department of Justice is independent of the Faculty and of McGill University. She explained the distinction saying that she "wears two corporate hats" and claims to be at liberty to hire anyone including students from other universities: "I can hire and I can fire," she said.

(Continued page 12)

China & Canada at Bar

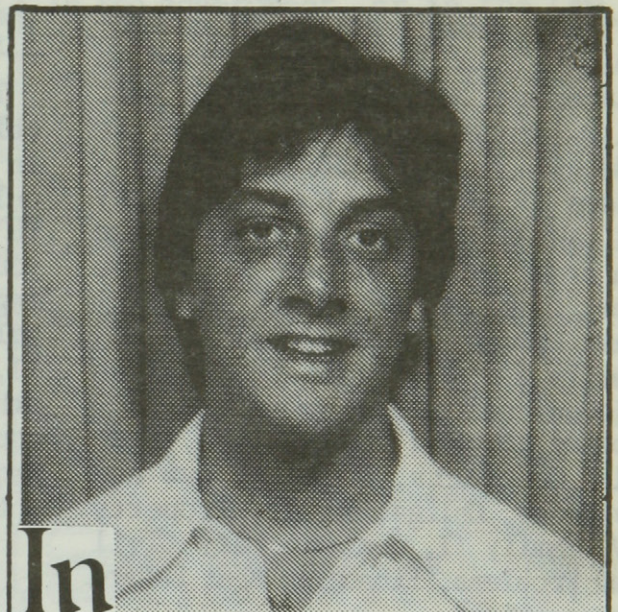
BY CELIA RHEA

Professor Pan Han-Tien, a research fellow at the Institute of Law in the Chinese Academy of Social Sciences in Peking, has been visiting the law school for the last three weeks. He is doing research in Comparative Constitutional Law. Professor Pan studied law in China in the Forties. He studied German and French civil law, because China is a civil jurisdiction. He also studied basic Common Law subjects such as Torts and Contracts. He was taught these courses in the Socratic style and was surprised that this method was not used more here at McGill. Professor Pan taught Jurisprudence in the Fifties in Shanghai. Then, from 1966-1976 all the Chinese law schools were closed. Legal scholars, including Pan Han-Tien, were sent to country villages to study on their own. Students could not attend school so that they could participate in the "Cultural Revolution." Professor Pan called the decade a waste which has left China scrambling to produce lawyers, law teachers, and legislation.

The new and more pragmatic government of China is anxious to create a legal framework for rapid commercial development. In order to create an efficient framework as quickly as possible, they have many of their legal thinkers, like Professor Pan, doing work in Comparative Law. They are willing to pirate legislation which has proved effective, apparently without regard to the ideology of the authors of the legislation. American, Canadian and British legislation is considered in spite of the fact that these are capitalist countries.

Professor Pan has done comparative analysis in the areas of Commercial Law and in Civil Procedure leading to the production of a draft Civil Procedure Code and a draft Commercial Code, both of which will become law within the year. Chinese judges spend three months or more back in school learning how to apply the new Codes. China is in a hurry. The Chinese cannot afford to agonize about what horrors the judiciary

(Continued page 3)



In Memoriam

The news of Allan Assh's death stunned all of us. The quickness with which the shocking news spread indicates the concern and horror we all felt. Allan was one of us. He was a conscientious worker and participated in faculty events. But more important was the person, his sincerity and his generosity. As a close friend of Allan's I knew I could trust him and count on him to help me when I was in need. Our community has lost much. We can only express our sincerest prayers for Al and extend our deepest sympathies to the Assh family.

ROGER CUTLER

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APR 14 1982

Course selections for 1982-83

BY ROD MACDONALD

As a result of the confusion resulting from last Wednesday's meeting with the first year class, I am taking this opportunity to succinctly state the Academic and Degree Regulations applicable to all students now in the Faculty of Law. Although the nominal deadline for applications to enter the National Program is April 8, 1982, in view of the confusion this year, applications will be received until April 30, 1982.

I. Students entering B.C.L. IV

The Academic Regulations applicable to your B.C.L. are those in place when you enter fourth year (i.e. September 1982). Thus, in addition to Obligations I, Obligations II, Property I and Property II (which you were required to take in order to obtain your LL.B.) you must take, or have taken, Judicial Law, Private International Law and Family I or Family IA, as well as eleven credits from among the following courses: Successions, Special Contracts, Judicial Law and Evidence, Obligations IV, Property IV, Family II, contemporary Civil Law Problems, Financing Real Estate Transactions.

II. Students entering LL.B. IV

The Academic Regulations applicable to your LL.B. are those in place when you enter fourth year (i.e. September 1982). Thus, in addition to Contracts, Property IA and Property IIA (which you were required to take in order to be eligible to enter LL.B. IV) you must take, or have taken, Private International Law, Torts and Civil Procedure IIA, as well as fifteen credits from among the following courses: Commercial Transactions, Real Estate Transactions, Evidence IA, Property IIIA, Property IVA, Remedies, Restitution, Trusts, Advanced Torts.

III. Students entering B.C.L. III

The Academic Regulations applicable to your B.C.L. are those in place when you entered the Faculty (i.e. September 1980). Thus, you must take, or have taken, in addition to first year courses, Mooting II, Private International Law, Special Contracts, Successions and Family Law I, as well as either Contracts, Torts or Property IA and IIA. However, in order to keep the option of entering LL.B. IV open, you must take or have taken Contracts and both Property IA and IIA.

IV. Students entering LL.B. III

The Academic Regulations applicable to your LL.B. degree are those in place when you entered the Faculty (i.e. September 1980). Thus, in addition to first year courses, you must take or have taken, Mooting II and Civil Procedure IIA, as well as Obligations I, Obligations II, Property I, Property II and one other Civil Law or Comparative Law course. There are no additional requirements in order to keep the option of entering B.C.L. IV open.

V. Students entering B.C.L. II

The Academic Regulations respecting degree requirements applicable to your B.C.L. degree are those in place when you entered the Faculty (i.e. September 1981). Thus, in addition to first year courses, you must take, in order to graduate, Mooting II, Private International Law and Property II as well as either Contracts or the new Property IA course, in addition to eleven credits from among the following courses: Successions, Special Contracts, Family II, Financing Real Estate Transactions, Insurance, Contemporary Civil Law Problems, Judicial Law and Evidence, Property II and Obligations IV. Please note, however, that your obligatory common law course (Contracts or the

new Property IA) must be taken when you are in B.C.L. II.

There continue to be two ways in which you may obtain both degrees over a period of four years. The first way is to enter the National Program. If you do this you will receive both degrees at the same convocation at the end of four years. You must opt into the National Program by April 30, 1982, but having opted into the National Program, you may opt out (i.e. elect to graduate with a B.C.L. degree at the end of three years) any time up to the start of exams in the spring of your third year. If you opt into the National Program you must take Contracts I, Property IA and Torts I when you are in B.C.L. II (i.e. next year).

The second way to obtain both degrees over four years is to take a B.C.L. degree at the end of three years, and then apply to enter LL.B. IV and obtain an LL.B. after one additional year of study. As always, in order to obtain the B.C.L. degree at the end of three years you must have completed all the requirements for that degree (see 1st paragraph of this section). As always, in order to keep the option of entering LL.B. IV open, you must take both Contracts and the new Property IA course, although you need not take Torts. These two courses, Contracts and Property IA, must be taken when you are in B.C.L. II (i.e. next year).

VI. Students entering LL.B. II

The Academic Regulations respecting degree requirements applicable to your LL.B. degree are those in place when you entered the Faculty (i.e. September 1981). Thus, in addition to first year courses, you must take, in order to graduate, Mooting II and Civil Procedure IIA as well as Obligations I, Obligations II and Property I, in addition to fifteen credits from among the following courses: Commercial Transactions, Real Estate Transac-

tions, Evidence IA, Family IA, Property IIA, Property IVA, Remedies, Restitution, Trusts and Private International. Please note, however, that your obligatory civil law courses, (Obligations I, Obligations II and Property I) must be taken when you are in LL.B. II.

There continue to be two ways in which you may obtain both degrees over a period of four years. The first way is to enter the National Program. If you do this you will receive both degrees at the end of four years. You must opt into the National Program by April 30, 1982, but having opted into the National Program, you may opt out, (i.e. elect to graduate with an LL.B. degree at the end of three years) any time up to the start of exams in the spring of your third year. If you opt into the National Program you must take Obligations I, Obligations II, Property I and Judicial Law when you are in LL.B. II (i.e. next year). You need not take Property II. The second way to obtain both degrees over four years is to take a LL.B. degree at the end of three years, and then apply to enter B.C.L. IV and obtain a B.C.L. after one additional year of study. As always, in order to obtain the LL.B. degree at the end of three years you must have completed all the requirements for that degree (see 1st paragraph of this section). As always, in order to keep the option of entering B.C.L. IV open you must take Obligations I, Obligations II, Property I and Property II (see Announcement, p. 7, Regulation 5), although you need not take Judicial Law. Three of these courses, Obligations I, Obligations II, and Property I, must be taken when you are in LL.B. II (i.e. next year), although you may elect to take Property II during your LL.B. III year.

VII. Conclusions

There have been no changes either to the degree requirements for any degree program offered in the Faculty or to the prerequisites necessary to obtaining two degrees over a period of four years, or to the various routes by which a student may obtain two degrees (i.e. these continue to be obtainable jointly, at the end of fourth year, or sequentially, one degree after

three years and the second following a further year of study).

Nevertheless, at the behest of several students, and with the unanimous support of the student members of the Curriculum Committee and the student members of Faculty Council, minor changes have been made to the order in which course are to be taken. These changes were instituted for the following reasons: (a) students in fourth year expressed great disfavour at having to take first year courses - in B.C.L. IV - Judicial Law; in LL.B. IV - Torts; (b) students in LL.B. III expressed great disfavour at having to take a civil law course in their last term at the Faculty - Property II; (c) all upper year students felt that it was preferable to complete obligatory requirements as early in their program as possible, in order to maximize options in third and fourth years; (d) students suggested that the institution of special sections at first year courses for upper year students would be advantageous; (e) common law students wanted the opportunity to take in their third year those courses desired by their future intending to take a fourth year wanted enough flexibility in the program that they could enroll in civil law courses while completing LL.B. IV. After much deliberation, and debate over various alternatives, it was felt that the most effective, yet least radical solution to all the above problems was to structure the timetable so that (i) all required courses in the other degree stream (for students intending to pursue only one degree), as well as (ii) all courses required as prerequisites for keeping open the option of obtaining two degrees in four year (either jointly or sequentially) be taken in second year. As noted, this solution in no way modifies degree requirements, prerequisites for entry into fourth year, or the various routes by which two degrees may be obtained. Any student who is still unclear as to his program options, after receiving the Early Course Selection materials should make an appointment to see the Associate Dean, or should consult with the professors available for course counselling during the month of May.

(Continued from page 1)

will perform on their new legislation as we fret over the fate of our precious Charter of Rights and Freedoms.

China is in desperate need of lawyers and law teachers also as a result of "The Reign of the Gang of Four." But the competition for entrance into law school is still demanding because so many young Chinese want to be lawyers. After twelve years of school, students who have good grades may write entrance exams. Successful students spend four years studying law. Professor Pan said they spend more hours in classes, and participate less in class than we do, mostly taking notes while the professor lectures. (Can it be? A more downtrodden group than McGill law students?)

In China, graduates of law schools can either work in a Legal Counsel Service, in a corporation, in the government, or in the Law Courts. The Legal Counsel Service provides legal service to the public. Lawyers who work there are paid a fixed sum by the government no matter how many files they take on. The Service fills the role of law firms in our system. A career as legal advisor to a corporation is the most like a North American legal career and it is surprising that this option is available to young Chinese communists. A student can enter the Law Courts as a clerk. If he distinguishes himself, he may eventually become an assistant judge and then a judge. Chinese judges have a lot of judicial experience even when they first come to the Bench but they have no experience of legal advocacy. Canadian judges have the exact opposite background. The result must be two very different styles of decision-making.

Lectures are prepared communally by a group of professors, teachers, and assistants, old, young, and younger, who discuss what should be taught in a subject. Each is encouraged to add any opinions of his own but the result is far more uniformity of content than we have here.

Professor Pan will be with us for a few more weeks. He is happy to discuss his impressions of McGill and its students, and to talk about how law is taught and practiced in China.

Pressure drop

There is something quite perturbing about Faculty Council's actions on student representation which goes beyond the mere vote itself. It touches upon two aspects: 1) professors attitudes towards students and 2) the principles upon which the Faculty is run.

Aside from the fact that students were only after an equitable readjustment of what once was the status quo, I find that the Faculty decided to bend its whip upon the student body in an attempt to camouflage its own inadequacies. As students we should take this verbal abuse for what it is worth. We should realize that what has happened is not a rejection of student representation to 8 members from 4, but an affirmation by the Faculty that insecurity and paranoia, along with divisive factions, have been the rule rather than the exception in the Law Faculty for a long time. We should not make ourselves and any self-deficiencies the reason for the denial, as Faculty Council would like us to believe, but rather that this law school is in greater trouble than we would like to admit. For the grave danger lies in the fact that Faculty Council may soon start to believe its own rhetoric and thus lose sight of the real issues and problems which divide them and consequently put a damper on any effective growth or progress which this school can make. In the end, it is quite hard to see how a deliberative body can deny, on any argumentative grounds, a claim for equal representation, as expressed in a return to a previous proportional base, which had to have been accepted when representation was first granted, unless there is an implicit admission that these are lean times for a divided Faculty Council. To do so is to ignore any concept of equality to which equal representation is the fundamental base. To tell me, as a

student, that we cannot have the desired representation and then ground this upon an assortment of anti-student faculty humour is to say that we are ignorant enough to accept these as being just reasons. I say no to Faculty Council. Come out from your oak-panelled shells and tell me, while at the same time telling yourself, what the real divisions are which plague your effectiveness. Don't blame me for what you can blame on yourself. This is just being irresponsible.

The Faculty also proceeded to tell me that law school is not a democratically run institution. This, of course, does not deal with the question which was put to the Council. And under no circumstances can this statement be justified. True, there is a hierarchy of student-faculty which forms the life and breath of any educational institution but where is it said that there are no democratic principles in how these and other relationships work? The issue is no longer whether there should be student representation; that was wisely settled long ago. But the issue is whether we are going to stand by the principles that were the groundwork for granting 4 student reps for 18 professors. To say that law school is not democratic is really to say, as Faculty intended to say, that we are in power and you are not. Authoritarian you say? Thank God that our leaders in Ottawa, and in other "democratic institutions", don't try to distance themselves like the elites in this law school. At Harvard, student input with Faculty and Trustees led last month to the announcement of divestiture from companies operating in South Africa. This kind of student-faculty relationship resulted in the formulation of a coherent and effective policy decision, something which

the faculty at McGill refuses to avail itself of.

Democratic principles are the rule in our society and there is no exception. We only begin to degenerate when we allow the exception. This is known as injustice and I hope that I've spelt that correctly. Justice and law are supposed to be the pillars upon which democratic principles and institutions are built. To allow the authoritative claims of the Faculty in an institution such as McGill Law School would be doubly ironic.

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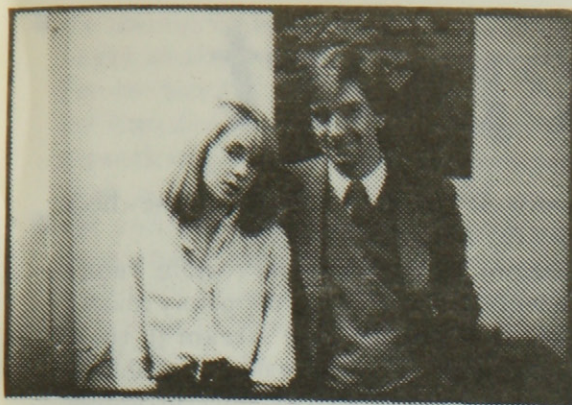
Quid Novi



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Staff: Lynn Bailey, Lesley Cameron, Peter Dauphinee, Pearl Eliadis, Danny Gogek, Richard Janda, Gary Littlejohn, Ron Lucciola, Paul Mayer, Celia Rhea, Joseph Rikhof, Demetrios Xistris.
Contributors: Ron Critchley

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Gingras and Graham

Apart from being elected Secretary, Carole Gingras points out that as a member of the Executive, she also gives women and francophones added representation. Her primary objective will be to publicize General Assemblies, committees and minutes to improve on levels of attendance and spread of information. In this respect, she hopes to both service francophones at McGill and to encourage them to participate further in the school and to do so in French. She suspects that in the immediate future, the issue of student representation

Treasurer-elect Peter Graham believes that there is much students can do in the way of fund-raising and imaginative use of their funds to encourage the growth of activities within the school and perhaps even to help in small ways in dealing with cutbacks. Graham intends to work out a proposal for what to do with the extra funds that the LSA finds itself with. He argues that, in general, the money is best spent within the Faculty. "Groups that start up and show promise should be promoted," he urges.

Acclaimed VP Common, one task Fran Boyle sees ahead of her is to ensure her constituency senses that she properly represents its views. She feels students are in a position to propose policy at Faculty Council, and while she seeks cooperation with Faculty, she argues that "students should avoid confrontation, but not at all costs." Policy questions include the present workings of the admissions process and a range of issues that will emerge in Faculty Council committees. Boyle plans to spend time improving the Job Bank, among other things.

The new LSA Executive

For President-elect Roger Cutler, next year's major objective is to "create a community" out of the Law School. He hopes to get students and Faculty involved together in a variety of events and to keep in touch with students through Class Presidents and General Assemblies: "If we want to get students acting together, a lot depends on the way they are approached." Cutler hopes to do something about the "Paper Chase" atmosphere in the school, and while he wants to establish a "good rapport" with Faculty, he feels students have a lever in being able to demonstrate that "McGill would have a difficult time running without student participation."



Cutler and Hoefert

Fred Hoefert, our new Faculty Council representative, wants to focus on the need to more fully integrate the Civil and Common Law components of the school into a greater common legal enterprise. "A Law School must produce lawyers, but it must also further the Law. We are doing well at the former, but we have a unique opportunity to do even more of the latter." Apart from sensing a need for greater student involvement with matters such as appointments, promotions, and tenures, Hoefert believes students need greater support for learning experiences outside the classroom, and cites extra-curricular mootings as an example.



LeGouëff to chair Faculty Council

Stephan LeGouëff, elected VP Civil, is looking forward to working within the structure of the new LSA constitution, which, in placing more emphasis on the role of Class Presidents, will, he feels, help make it possible to "integrate the student community". LeGouëff stresses that in providing services, "students are doing much to make the school a better place in many ways, including academically." He feels it will "be up to the student body to decide what to do" if Faculty is unresponsive to this. LeGouëff is concerned to preserve the French sections of courses and plans to spend a lot of time organising Welcome Week.

Tim Baikie was elected to the newly constructed position of VP University Affairs. This makes him both our Student Society representative and a member of the LSA Executive. Baikie hopes to act as a liaison between the Law School and the rest of the University in confronting questions like cutbacks and the possibility of differential fees for students from outside the province. He suggests that Law Students already play an important role around McGill, and from their positions can wield considerable influence.



Baikie and Boyle

L.U.S. *final* report

What follows is an account of the role the LUS plays in the Faculty, what was done this year and what might have been undertaken had we been given more time.

Role of the LUS

The Society to which we all belong has evolved a great deal over the last few years in the number and diversity of the functions it performs. Among them one can delineate three main types. First, the LUS undertakes to fund, coordinate and help student groups within the Faculty. Second, through its representatives, the Society maintains a student presence on Faculty Council, a voice in University affairs and representation in external matters. Third, the LUS has to act in what it considers to be the long-term interest of the Faculty. This last role is gaining in importance as the LUS becomes integrated into the actual running of the School. It is also a very difficult role to play. Here is a delineation of the forces and institutions that make it so hard:

At the very heart of Faculty government - Council - some staff members still believe that students are not capable of acting in the best interests of the School. This can encourage a complementary distrust on the part of students, thereby appearing to fulfill the prophesy. Conversely, an impetus for such a negative spirit can come from the students, who may be expressing the weaknesses natural to a small minority group (defensiveness, lack of diversity and continuity, overwork, etc.) Regardless of who starts the interchange, the resultant alienation is the same.

Once this starts, forces of a more subtle sort compound the problem. The greatest danger to the LUS infrastructure is apathy. Simply to fulfill its basic obligations the LUS needs massive support and good-will from students. This enthusiasm can come from an identification either with the School as a community or with the LUS as the champion of student rights. When the sense of community is destroyed at the level of Faculty Council, it is destroyed elsewhere too. The LUS has no mode of operation left except the confrontational: to do nothing and to stay in isolation is to court disaster.

The only realistic way to avoid the periodic poisoning of Student/Faculty relations is stabilize student representation on Faculty Council by broadening it. As the reader will see from the notes below, we have been in a phase when student goodwill makes it easy to work for the long-term benefit of the Faculty. Now is the best time for Faculty Council to act.

What was done

Much has been accomplished during the past year by people working within the framework of the LUS student government.

Many items were new initiatives. Others were continuations from last year and the year before. Some were effected quietly by people working behind the scenes. Others, such as the early exam schedule, made a lot of noise.

Student government in the Law Faculty is not comprised solely of the Executive - many, many people have worked long, hard hours to bring about the changes set out below. The willingness of individuals to walk through the door of the LUS office and get involved in diverse projects has been *the* major factor in enhancing the quality of our lives here. In the limited space available it is not possible to do justice to all those who deserve credit. If you want to know more about them you will have to make your own enquiries into the Bookstore, Sports Committee, Skitnight, reps on the Library, Appointment and Tenure Committees, Law Journal, Moot Court, Class Presidents... Here, then, are some particulars:

Academic

(Students on the Curriculum Cttee: T. Johnson, K. Nearing, B. Wintemute)

- final passage of the new degree requirements through Senate
- passage through Faculty Council of the revised course description for the Board of Student Advisers. We have unofficial assurances by the Assistant Vice-Principal (Academic) that it will clear Senate by May. Next year's Advisers will therefore get credits. To those who did it without remuneration this year we owe many thanks, especially the Directors Anne Soden and Susan Zimmerman who also worked long and hard on the final proposal.
- structural changes in the curriculum, especially course weighting. Courses that have been bumped from two to three credits include Bankruptcy (now Debtor-Creditor), Term Essays, Tax V, Financing Real Estate Transactions (now Security on Immoveables) and Property IIA (now merged into a six credit Property IA course). New three credit courses include Security on Moveables (the old Property II no longer exists), a new Administrative Law course, Native People and the Law and Canadian Legal History. There are no longer any five credit courses: Trusts and Torts are now four credits each. These and other four credit courses will each have a section that will span just one term. Property IVA is now two credits, as is the new course Advanced Torts.
- changes to the degree requirements. Neither P.I.L. nor Property II is any longer obligatory for the B.C.L., although P.I.L. is still obligatory for the National Program. the scope of the Legal Clinic course has been broadened: students working in a variety of clinical situations may apply thereunder for

credits. If you are interested please check with the Associate Dean first.

- streamlining the National Program. Future students will take all the obligatory courses from the other degree stream in their second year. This will make it possible to offer a more integrated national curriculum in the upper years, as everyone will have the basics covered early. In addition we can expect to see some sections of elementary courses reserved for upper year students. Of course these changes will have to run the gamut of budgetary cutbacks, transitional measures and Senate approval

Administrative

- cooperation with the Associate Dean and S.A.O. producing flexibility on sensitive issues, among them the extension of course change week in January, multiple posting of grades and proxy registration. revision of course evaluations by a committee which included Karen Kolodny and Helena Lamed (as chairperson). the reservation of a "student activities" time block in the timetable.

Examinations

(Students on the Exam Board: R. Brott, J. Nadeau, P. Graham)

- a comprehensive computer study of examination results to be undertaken this summer by Richard Kurland for the Faculty and the LUS.
- the adoption by LUS Council of the policy of making up early exam timetables
- the addition to transcripts of the median grade of the class in each course reported.

Admissions

(Students on the Admissions Committee: Karen Kolodny, Zella Osberg)

- overhaul by the Baker Committee (including Jamie Cameron) of recruitment and admissions procedures and literature.

Quality of Life

- an expansion of welcome week events, a re-editing of the First Year Guide to Law and advance planning for all events (including a reduced deficit on the banquet). Social Committee: M-J Beaudry, M. Barbeau, D. Monet, M. Larivière, M. Lafleur.
- the coordination of the speakers program by Helena Lamed with the creation of a centralized system for planning and publicity.
- an upgrading of our physical environment under Joanie Vance: comfortable furniture for the pit, redecoration of the cafeteria, more variety of food and real coffee.
- the establishment of a Student Participation Prize by Stephan LeGoueff to give recognition for extra-curricular contributions.

- the assumption by the Job Bank, under J.-F. Leger, of all job-related activities in the Faculty (lectures, postings, an update of the law firm directory and the recruitment of a network of graduates across the continent to act as local liaisons to law firms).
- the enhancement of Quid Novi as an independent vehicle for communication within the Faculty. Extraordinary efforts were made by about twenty people, including P. Dauphinee, R. Janda, D. Gogek, J. Rikhof, L. Bailey, P. Mayer.
- an open door policy with respect to the LUS office, equipment, phone and files.

External

- a leadership role in the cutbacks demonstration Nov. 20
- the organization of a symposium on the proposal (*Avis*) by the Office des Professions to integrate Bar School into the Law Faculties. M. Nitoslowski and H. Lamed chaired the committee that produced the LUS memorandum on the issue. Oral submissions will be made April 8.
- the reorganization, under M. Nitoslowski, of C.A.D.E.D. (the Quebec association of Law students) to make it less bureaucratic and to orient it towards the staging of semi-annual symposia.
- greater participation at the university level: besides those sitting on the Students' Society Council (5), and Senate committees (4), law students have been instrumental in such things as putting together the university telephone directory (R. Kurland) and establishing Access McGill (B. McDonough, C. Stuart).

Internal

- full and complete disclosure of LUS finances under Jacques Nadeau.
- an expansion of the role of LUS Council: more frequent meetings with the circulation of minutes and agendas by Dan Barker.
- the revision of the LUS Constitution. It is posted for consultation and comparison with the old version. The referendum to ratify it takes place on Wednesday, March 17th.

ANNOUNCEMENT

The Montreal Association of Women and the Law has received federal government funding to hire five law and pre-law students to work on a summer project. The project will be a study of Affirmative Action programmes in Canada.

If interested, please write to:

Montreal Assoc. of Women & the Law
P.O. Box 1483
Station B
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before April 20, 1982.

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Notarial profession

The life of the notary in Québec society appears to be considerably more pleasant than that of the lawyer. At least that is the impression conveyed by the two speakers who came to the Faculty last Friday to talk about their profession. Mr. Mackay and Mr. Lefebvre of the Chambre des Notaires — the former is the incoming president — gave a wide-ranging talk that covered everything from the history of the profession (it was first conceived in 803 under Charlemagne) to legal ethics and life-style. By the time they had finished it was clear that the role-model of a lawyer that we are learning at McGill is incomplete to say the least.

A notary is a lawyer, but he is not an advocate. We are taught to equate lawyering with advocacy, but in Quebec that is only half the story. The advocate exemplifies partisan loyalties, and works in an adversarial, analytical, context. The notary, on the other hand, works at synthesizing agreements and avoiding conflict. As a guarantee of impartiality, the notary is hired by one party and paid by the other. There is a lot to be said for an ethos that is based on negotiation and compromise. Advocates here and lawyers in Common Law jurisdictions generally tend to see problems in the light of a case to be argued in court, however inappropriate that may be. This bias unfortunately has the effect of creating a litigation mentality. It is only here in Québec that the other major aspect of lawyering — conflict avoidance — is given equal time in the role of notary. Indeed, it is his institutional role as arbitrator that has made of the notary an esteemed member of community life in Québec.

The field of the notary includes all aspects of

the law which do not include litigation. In fact there is a 60 per cent overlap with advocates in the work actually done. Most of the work of the notary is in civil law: family, estates, conveyancing and the like. After that, in descending order of volume, come commercial, corporate and tax law. The present situation of zero population growth means that new fields of practice are also being explored, such as patent law.

About half of all applications to the Chambre these days come from women (there were 192 in total this year) and it may be appealing to anyone who dislikes the macho image projected by the downtown advocate set. The challenge and satisfaction of a job well done are still there of course, but the general feeling is that one is an important wheel in a large machine, not some knight in shining armour. Stability and meticulousness are at a premium, for unlike an advocate who can often bury his misstatements, a notary has to register them: authentic documents are within his exclusive jurisdiction and they are always kept for posterity. In fact all notarial documents executed since Nicolat came to New France in 1621 are still on file.

The financial rewards, according to a recent survey by the Canadian Bar Association, are roughly equivalent between the average advocate and the average notary, though there is a super-class of advocates who make enormously more than any notary or the vast majority of their fellows. It's all in the nature of the job.

If you are interested in learning more about a career in the notarial profession, feel free to take one of the pamphlets in S.A.O.

CAMPBELL STUART

Well, the moment you've all been waiting for has finally arrived. After the highly qualified judges from among the avid Quid Novi staff waded through the bundles of essays that poured into the office, they finally managed to agree that one essay was just slightly more insightful and provocative. So here it is. Quid Novi proudly presents the answer to the burning question:

What makes a law school great ?

When faced with the dilemma of writing something coherent on "What makes a law school great?", I found myself constrained by "writer's block". A trip out of the city seemed in order, so I put pen and paper aside, grabbed my jacket, and headed off to see my buddy Sam.

Now Sam is no lawyer and the only notary he knows took him to the cleaners a decade ago. Nevertheless, his knowledge of the law is vast and he keeps abreast of the latest developments in Canada and abroad. Retired for the last fifteen years, Sam was a peruke-maker by trade and knows many a learned legal head throughout the Commonwealth. In his time he fitted justices ordinary, justices of appeal, justices urban, justices rural, justices metropolitan and justices colonial. He also fitted the odd barrister from time to time. "Shop talk", of course, was all-important in his line of work. "Chit-chat", says he, never worked with the boys from Bailey", so it was imperative that he could cough up the names of the People's Tribunal of East Kalash in order to impress.

Sam's wife works -- largely because he listened to a friend in the petroleum industry and invested heavily in Tar Sands earlier this year. Among his friends and relatives Sam speaks of her with affection, and it is clear that he loves her very much. But when he leaves their company they'll turn and tell you in no uncertain terms that she's as hard as a prison warden and a zealous Tilsonburg Temperance terrorist if there ever was one. The cruelest of Sam's alehouse chums is convinced she moonlights as a stevedore and passes out New Testaments at the same time, but to tell you the truth, I've yet to see any proof.

At any rate, one day last week

over a friendly game of checkers, I brought up the contest question in a dignified way. The game was going badly for me -- I must admit -- when I wiped the sweat from my forehead and took a pull.

"Sam", I said (as he reduced my force to two), "get a load of those Division Bells in Ottawa this week?"

"Yeah. Damn politicians."

"Makes El Salvador seem quiet."

"S'pose it does."

"Catch Gretsky lately?"

"Nope. Don't care for Albertans. Had an Aunt from Calgary once, told me castor oil was like maple syrup. Haven't trusted 'em since."

"Sam...."

"Yeah Kid?"

"What makes a law school great?"

"Dunno.... professors? The graduates? The library?"

"Maybe it's the courses Sam."

"Could be. You like your courses Boy?"

"Of course I do!" I lied.

"There you go."

"But Sam, I lied. I wanted to provoke you, stimulate discussion."

"Yer on your way Kid."

"Look out Sam! Here she comes! Hide it Sam!"

"False alarm Kid."

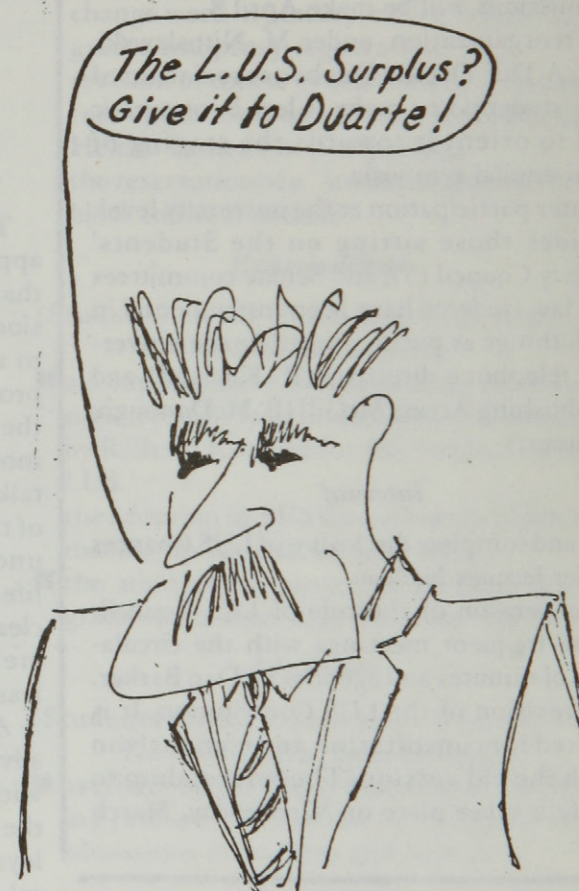
"Great eh?"

"Yeah. Look Kid. Law school is like The Wife. If she treats you right, looks half decent and puts food on your table ... she's great."

"Sam! It's International Women's Week."

"You're learning Boy."

RON CRITCHLEY



QUID NOVI HOLDS ELECTIONS

At a meeting last Monday, Quid Novi staff adopted a new constitution for the newspaper and elected an Editorial Board for next year. The Board will consist of the following:

Editor-in-chief: Richard Janda
 Managing editor: Demetrios Xistris
 Features editors: Lynn Bailey
 Pearl Eliadis
 News editor: Joseph Rikhof
 French editor: Martine Turcotte
 Associate editor: Danny Gogek

Goodbye

This is the last issue of Quid Novi for 1981-82, but we now have a paper in the school which can carry on from year to year. We have tried to improve through successive issues, and while some of us have developed an almost incurable variety micro-processus addict-ionis, a little glimmer of faith remains that somehow, sometime, somewhere, the truth will be revealed that it was all worthwhile.

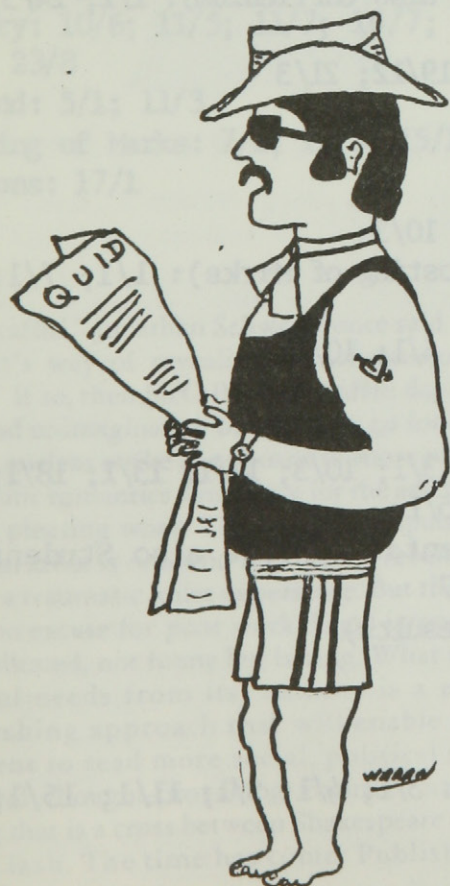
We have only managed to skim the surface of some of the questions that have to be asked about the school, and we have barely sensed the potential of all that could appear on these pages. This year perhaps we can say that Quid Novi became an established forum here and began to open itself up to the participation and contributions of many students. In short, now we all have a vehicle. Next year, we have to learn how to use it in a yet more sophisticated way to systematically investigate certain issues behind the policies here and to stimulate discussion about them. Furthermore, one hopes that it can become a kind of habit for everyone to have contributed at least once to our collective newspaper. The more we all participate in it, the more we will have a representative publication and the more we will keep in touch with everyone else.

Although many people deserve thanks, Peter Dauphinée, this year's editor, deserves special credit for have persevered in establishing and remarkably improving the paper over both terms. He worked diligently at an enterprise he saw would benefit the school and he did so in a way that was selfless.

It is difficult to reflect soberly on the year without having faced the crunch of exams. Suffice it to say that it in light of previous tensions in the school, the year was peaceful and saw the development of many student initiatives which may be pushing us forward toward the ideal of "community of scholars" — ie. peaceful yes, apathetic no. While initiatives show no sign of letting up next year, peace may be another matter.

We cannot think of this year, however, without the continuing experience of our grief at Allan Assh's death. The turmoil of exams, problems in the school, summer plans, and, for some, projects after graduation, has been made to look very small. While no gesture can hope to express enough, we would like to dedicate this issue to Allan, his family, and friends.

RICHARD JANDA
EDITOR-ELECT



BONDI BARRISTER BASES
DEFENCE ON QUID!

REFLECTIONS ON MCGILL LAW:

20 MOST ASKED QUESTIONS

1. Campbell Stuart would like to know why they let Professor Scott run the Law School?
2. How do you spell Steven Scot?
3. Is Jane Glem REALLY loyal and obedient?
4. How did the flies get into the LJS beer?
5. Will Julius Grey be the next Dean?
6. Does Irwin Cotler grade papers by the kilo?
7. Is it true that Professors are working to rule?
8. Is it true that Professor Crépeau is immovable by destination?
9. Will the house up the hill be renamed Chateau Crépeau?
10. Is it true that in order to enlarge the applicant pool that McGill is contravening the Child Labour Code?
11. Will Rod still abstain if he isn't made Dean?
12. Is it true that a candidate with a 4.07 GPA and a 786 LSAT was put on indefinite hold because she was an alleged member of Radical Militant Women for Sunshine and Bridge?
13. Is it true that the National Program only makes graduates eligible for the Moose Jaw Bar?
14. Is McGill Law School still one of the top three law schools in Montréal?
15. Why do Faculty think Kierkegaard's Fear & Trembling is a teaching manual?
16. Why do Faculty think a joint academic undertaking with students could only refer to lecturing about certain narcotics?
17. Is there any truth to the rumour that Bora Laskin applied for a job at McGill and was vetoed on the grounds that no one important would ever respect his opinions and besides, he couldn't sip tea properly?
18. Have some Professors been labouring under the misapprehension that a leper colony has been started in the Pit?
19. Who chose the rug in the Dean's office?
20. Why would anyone work all night on a rinky-dink school newspaper the week before exams?

QUID NOVI VOLUME II

1981/1982 CUMULATIVE INDEX

Quid Novi this year performed many functions. It has been a vehicle for discussion, criticism and information in the Faculty. The LUS/LSA, consistent in its belief that a strong, independent paper is a must, also depended on the paper to keep the student body up to date on the many projects it undertook this year. After all, who reads minutes? The index is proof that the confidence was well placed: it's a thank-you gift from the Executive.

The index is also an attempt to put a sort of capstone on the paper's function as the collective memory for the students. It's always nice to know what's been said before on a subject and to know where we come from when we argue for change. Knowledge is power.

The index is more, however, than a service to those who want to learn and to lead. It is a lesson to those who don't, and who complain of the "isolation" of the LSA. A distressing correlation exists between those who find the paper boring and those who complain that issues have "come out of nowhere". It's sort of like law: it helps to read a case before you discuss it. Naturally it takes time to adjust to a new system. More than anything, Quid Novi has been one long invitation to participate. Read all about it.

The index is divided by topic, rather than by author or title. Space doesn't allow the latter system. The reader is keyed to the page on which the relevant article begins. After that he is on his own. References consist of two numbers divided by a slash. The first is the number of the issue and the second is the number of the page.

Any article that deals with a Faculty Council meeting, a General Assembly or an LSA Council meeting may be supplemented by material in the office filing cabinet. All agendas and minutes are on file there and you are welcome to browse. Further information can be found by going through committee files (students on committees have been asked to submit reports of the year's doings). There is also the LUS Final Report elsewhere in this issue.

Back issues of the paper are on file in the LSA and in the Quid Novi office.

THE 1981/1982 EXECUTIVE

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Agenda, LSA: 1/1; 15/5

Ass'n des juristes quebécois: 4/3; 13/7

Atmosphere (see Quality of Life)

Avis de l'office des professions (see Repatriation of the 4th year)

Bar School (see Repatriation of the 4th Year)

Board of Student Advisers: 1/1; 2/1; 3/1; 14/2; 19/2; 19/6; 20/1

Book Reviews: 13/8

Bookstore, LSA: 4/6; 8/1; 16/5

C.A.D.E.D.: 18/7; 21/4; 24/7

Calendar of Events: 11/8

Charter of Rights (see Constitution, Canadian)

China: 26/1

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Constitution, Canadian: 5/4; 6/1; 7/1; 7/2; 10/2; 10/4; 11/4; 13/5; 17/4; 24/3; 25/2

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Contracts, Eisenberg on: 9/1

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Music Reviews: 14/1; 17/2; 22/6

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Requirements and Repatriation of the 4th Year):
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Treasurer's Reports: 3/6; 16/2; 23/6

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Walkout (see Outbacks)
Wilberforce, Lord: 5/3
Women and the Law: 2/7; 3/3; 17/6; 21/1; 24/3

Year End Report, LSA: 26/6

Kilroy was here

"Graffiti," Jonathan Schwartz once said, "is society's way of revealing its subconsciousness." If so, then McGill Law's graffiti depicts a bland unimaginative bunch, who go for the quick nuclear strike as opposed to those other semantic romantics who strive for the aesthetically pleasing work. The McGill compulsive graffiti artist is one who is probably rebelling from a traumatic toilet experience. But this is still no excuse for poor work. Legal jargon is complicated, not funny but boring. What this school needs from its authors is a new refreshing approach that will enable the student to read more social, political and cultural thought-provoking rhymes. Something that is a cross between Shakespeare and the Clash. The time has come: Publish or Perish.

It is important that the graffiti artist not take his work to points extreme. Graffiti which is vendetta-like or racist only provokes neo-conservative claims of vandalism. So to preserve graffiti as the public forum that it is, it is essential that every graffiti artist recognize his responsibilities when writing. First, never use a felt marker. Graffiti is meant to be subtle in humor and approach. Second, write with material which transcends all social distinctions. Hot topics only entice invective which detracts from the graffiti's artistic value. And third, tell ethnic jokes preferably in limerick form. They are bound to get good laughs and little rebuke as ethnics become more and more assimilated.

But as to the graffiti artist's second rule I guess there is one exception. It's always a

graffiti artist's joy when he sees responses in ink to his work. This means either (a) he's finally hit hard enough or (b) there is finally an east-west dialogue or (c) people in the faculty are actually alive and do read.

In all graffiti is quite important in the law school environment. It is our equivalent to the Caisse Depot's non-existent full disclosure. It is a valuable communiqué from parties who lack the courage to go publicly face to face. And as long as it is handled by responsible writers, it will be able to be used effectively, thus insuring its future. So when come Monday morning and those stalls have been wiped clean again, then the graffiti artist knows he has passed his artistic bounds into the land of hatred remarks. Ultra vires, so to speak.

Demetrios G. Xistris

LIRG...

(Continued from page 1)

Several candidates complained that they were explicitly asked about their political views during the hiring process, and that these might have been taken into consideration. (One non-québécois anglophone student even reported that he was instructed that he would not be hired if his politics were separatist.) When asked whether she had any comments to make, the Director answered that it had no bearing on the final decision. In fact, she explained her position saying that the book to be written was on the Canadian Constitution and that the whole project was sponsored by the Federal Government. She added that, although the aim of the Group was not to parrot the Federal Government's position, the whole purpose, in her opinion, was to "wake up the province of Québec. We are paid by the Federal Government and we have to take this into account". that I am the employer and I am not in any way obligated to answer to anyone." She agreed that the most important thing is that the Legal Information Research Group not be discredited by the confusion over selection procedures: "It is unfor-

Another complaint that was brought up by students concerned the basis upon which selections were made. Many students, some accepted and others not, felt that the criteria were not clear. One student who was accepted mentioned: "I don't know what the criteria were. I was asked hardly any questions. I did most of the questioning... most of the talking."

In response, the Director set out 3 criteria, the first one being compatibility as there would be "one chief and 13 indians". The second one was competence. Approximately 70 persons applied, 30 at the last minute. This was an overwhelming increase from past years. Among those, 21 were chosen for interviews on the basis of their C.V. by a committee of 3 persons, one of which was not involved in the project last year. The Director added that all of the 21 persons chosen were equally qualified. Therefore, the selection process among those had to be based on their ability to type, translate, etc. The third criterion was the ability to listen to the opinions of others.

The Director expressed regret that these criticisms were not brought to her, but noted that "what people don't understand is

tunate that even before starting work, the Group is split. I may have to take measures."

The Director did not indicate whether this meant drawing up clear guidelines to facilitate selection in the future, or taking action that would affect the present group.

COUR D'APPEL IN LYONS
PRAISES QUID!



ATHLETICS

Some of the law entries in the intramural competition did not receive any print this year. The infamous "C" hockey team is a mystery to many. It comprises all the hockey talent that went unnoticed by the "A" and "B" teams. The "C" team is a "B" team that plays in the same league as the real "B" team. Up until this year the team has never won a game. This year due to the outstanding goaltending of Louis Beauregard, the defensive leadership of Dennis Tobin, and the hustle and drive of Steve Hamilton and Vince Rose, we won two games and tied two games. The "C" organization had the best dressed coach, Bruce Fitzsimmons, two Bandeen water bottles and the most enthusiastic bench. I can

vouch for this as I had a special seat on a little bench across the ice with a good view and a personal escort by the guy wearing the striped shirt.

The men's floor hockey entry (the sport of gentlemen) despite a five and two season, failed to win a play-off berth. It was the most balanced team in three years. The mature play of Dave Whelan and Mark Stevenson served as a perfect compliment for the high scoring "Guy Kalisky Gretzky". The team would very much like a floor hockey entry at the common law sports tournament. A championship would be a sure thing.

JOHN WEBSTER

*** COMING EVENTS ***

Thursday, April 14

L'association des juristes québécois vous invite à une rencontre qui se tiendra à 17h30, au 2000 rue Hôtel-de-Ville.

Cette rencontre sera une occasion de discuter et de s'informer dans une atmosphère détendue de la situation politique actuelle au Salvador, de la situation des réfugiés en provenance de ce pays, du dossier Regalado et de la politique canadienne concernant les réfugiés à la lumière du symposium organisé récemment par le ministre Axworthy sur cette question.

De plus, bière et goûter seront servis.